Appl. No. 10/043,400
Amdt. Dated October 29, 2003
Request for Reconsideration as to Finality of Office Action of
September 23, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Keith M. Murr et al.
Application No. : 10/043,400
Filed : 01/10/2002
Title : PROTECTIVE CONTACT COVER FOR CHIP
SOCKET
Group/Art Unit : 2833
Examiner : Phuongchi T. Nguyen
Docket No. : 17708

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MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

This communication is in response to the Examiner's
Office Action dated 09/23/2003.

The Applicants hereby request the Examiner to
reconsider and withdraw the Final Office Action issued on
September 23, 2003, as said Final Rejection is premature.
The Examiner issued the present Office Action on
September 23, 2003, as a Final Rejection, yet it contains
new grounds of rejection not necessitated by Applicants'

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Response dated July 7, 2003. Therefore, Applicants respectfully request the removal of the prior Final Rejection. Applicants believe that the Examiner has submitted new grounds of rejection for claims 19-20.

The original Office Action was issued by the Examiner on April 7, 2003, and rejected claims 19-20 under 35 U.S.C. §103(a) as being unpatentable over McHugh '624 in view of Newell, and further in view of McHugh '875 (See Office Action Dated April 7, 2003, Paragraph 6).

Applicants' response dated July 7, 2003, does not amend claims 19-20, nor does it amend claim 9 from which claims 19 and 20 depend.

In the present Final Office Action dated September 23, 2003, the Examiner has now changed the rejection of claims 19-20, such that he has now rejected claims 19-20 under a combination of McHugh '624 and Newell.

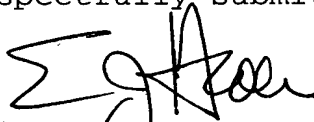
Accordingly, as the Examiner introduced a new ground of rejection for claims 19-20 that was not necessitated by an amendment of the claims by the Applicants nor based upon information submitted in an Information Disclosure Statement filed during the period set forth in 37 C.F.R. 1.97(c), the Final Office Action was premature. M.P.E.P. § 706.07(a).

Notwithstanding Applicants' Request for Reconsideration, Applicants are simultaneously addressing the merits of the Office Action, as Applicants believe that the substance of a new non-final action will be

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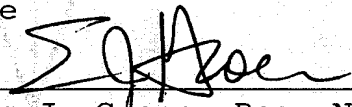
substantially that provided by the final rejection which was
issued. This Response is being filed concurrently herewith.
The Examiner is invited to contact the Applicants'
representative below if he has any questions or comments.

Respectfully submitted,



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Enclosure: Postcard

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on
<u>October 29, 2003</u> Date
 Eric J. Groen, Reg. No. 32,230